



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY DCKET NO.
09/719415	HANSEN	H 12010/121412
INTERNATIONAL APPLICATION NO.		
PCT/DK99/00313		
EX FILING DATE	PREVIOUS DATE	
10 JUN 99	12 JUN 98	
DATE MAILED: 08 FEB 2001		

MAURICE B STIEFEL
BRYAN CAVE
245 PARK AVENUE
NEW YORK, NY 10167

NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371 (c)(4) for entry into the national stage in the United States of America. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.

A new oath or declaration, identifying this application by the international application number and international filing date is required. The oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

- ☒ is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- ☐ does not identify the specification to which it is directed.
- ☐ does not identify the inventor(s).
- ☐ does not identify the citizenship of each inventor.
- ☐ does not state the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b) WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

- ☐ does not identify the city and state or city and foreign country of residence or each inventor.
- ☐ does not state that the person making the oath or declaration:
 - ☐ has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
 - ☐ acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
- ☐ does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
- ☐ does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and filing date of the continuation in part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(d)).

Barbara A. Campbell

Telephone: 703-305-3631

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

Address: ASSISTANT COMMISSIONER FOR PATENTS

Box PCT

Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. REF. NO.
09/719415	HANSEN	H 12010/121412

MAURICE B STIEFEL
BRYAN CAVE
245 PARK AVENUE
NEW YORK, NY 10167

INTERNATIONAL APPLICATION NO.	
PCT/DK99/00313	
I.A. FILING DATE	PRIORITY DATE
10 JUN 99	12 JUN 98
DATE MAILED: 08 FEB 2001	

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
☒ an Elected Office (37 CFR 1.495):
☒ U.S. Basic National Fee.
☒ Copy of the international application in:
☐ a non-English language.
☒ English.
☐ Translation of the international application into English.
☒ Oath or Declaration of inventors(s) for DO/EO/US.
☐ Copy of Article 19 amendments.
☐ Translation of Article 19 amendments into English.
☒ The International Preliminary Examination Report in English and its Annexes, if any.
☐ Translation of Annexes to the International Preliminary Examination Report into English.
☒ Preliminary amendment(s) filed 12/12/00 and _____
☒ Information Disclosure Statement(s) filed 12/12/00 and _____
☐ Assignment document.
☒ Power of Attorney and/or Change of Address.
☐ Substitute specification filed _____
☐ Verified Statement Claiming Small Entity Status.
☒ Priority Document.
☒ Copy of the International Search Report ☒ and copies of the references cited therein.
☒ Other: PCT/IB/308, PCT/IPEA/401

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed:

☒ PCT/DO/EO/917

☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Barbara A. Campbell

Telephone: 703-305-3531

RECEIVED

2-12-2001



JC04 Rec'd PCT/PTO 04 APR 2001

REF

#3

Docket No. 12012/121412

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
Heine Hansen.

U.S. Serial No.: 09/719,415

) Examiner: not yet assigned

Filed: December 12, 2000

) Art Unit: not yet assigned

International Application No.: PCT/DK99/00313

International Filing Date: June 10, 1999

For: **A METHOD IN QUALITY CONTROL
OF SPECTROPHOTOMETER**

New York, New York
April 2, 2001

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 USC§ 371**

Commissioner for Patents
Box Missing Parts
Washington, D.C. 20231

Sir:

In response to the Notification of Missing Requirements Under 35 USC§ 371
mailed February 8, 2001 in the above-identified application, Applicant herewith submits the
following:

(1) Original Declaration and Power of Attorney executed by the inventor in
compliance with 37 CFR 1.497 (a) and (b);

(2) Copy of Notification Of Missing Requirements Under 35 USC§ 371 (Form

(3) Petition for Extension of Time Under 37 CFR 1.136(a) for a one month extension of time and our check in the amount of \$110.00 for extension fee; and


(3) A copy of our Letter of Transmittal to the US Designated/Elected Office (DO/EO/US) (Form PTO-1390) (Modified)); a copy of our check in the amount of \$1,386 which represents the filing fee of \$860; the late surcharge fee for the Declaration and Power of Attorney in the amount of \$130; and \$396 for 22 extra claims at the rate of \$18 per claim. As you can see from these documents, the \$130.00 surcharge fee was paid at the time of filing of this application.

If any additional fees are required, the Commissioner is authorized to charge to Deposit Account No. 02-4467. A duplicate copy of this communication is enclosed.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Box PCT , Washington, D.C. 20231, on April 2, 2001.


Warren K. MacRae

Respectfully submitted,

By: 
Warren K. MacRae
Registration No. 37,876
BRYAN CAVE LLP
245 Park Avenue,
New York, NY 10167-0034
Tel. No. (212) 692-1819
Fax No. (212) 692-1900



DOCKET NO. 12012/121412

RIDER ANNEXED HERETO AND MADE A PART HEREOF

We hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

16
Maurice B. Stiefel, Reg. No. 18,479; Lawrence G. Kurland, Reg. No. 24,895;
Stephen P. Gilbert, Reg. No. 27,893; Mark E. Waddell, Reg. No. 31,803; David
A. Roodman, Reg. No. 35,663; N. Whitney Wilson, Reg. No. 38,661; Daniel A.
Crowe, Reg. No. 39,644; Stephen M. Haracz, Reg. No. 33,397; Warren K.
MacRae, Reg. No. 37,876; Kevin C. Hooper, Reg. No. 40,402; Kathleen Gersh,
Reg. No. 41,806; Chistopher J. Hayes, Reg No. 41,822; Leo G. Lenna, Reg. No.
42,796; Donald J. Lenkszus, Reg. No. 28,096; John D. Titus, Reg. No. 39,047;
and Susan Stone Rosenfield, Reg. No. 36,287.

FORM PTO-1390 (Modified)
(REV 11-98)

U.S. DEPT. OF

COMMERCE PATENT AND TRADEMARK OFFICE

KEY'S DOCKET NUMBER

12012/121412 PCT/TO 0 4 APR 2001

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR

INTERNATIONAL APPLICATION NO.

PCT/DK99/00313

INTERNATIONAL FILING DATE

10 June 1999

PRIORITY DATE CLAIMED

12 June 1998

TITLE OF INVENTION

A METHOD IN QUALITY CONTROL OF A SPECTROPHOTOMETER

APPLICANT(S) FOR DO/EO/US

Heine Hansen

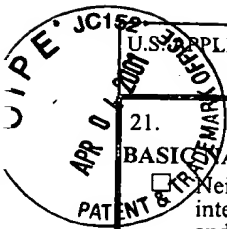
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
 - a. ☒ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ A copy of the International Search Report (PCT/ISA/210).
8. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
9. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
10. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)). (**Unexecuted**)
11. ☒ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

Items 13 to 20 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A change of power of attorney and/or address letter.
19. ☒ Certificate of Mailing by Express Mail
20. ☐ Other items or information:

- 1) Request for International Application under PCT filed June 10, 1999 (Serial No. PCT/DK99/00313);
- 2) Form PCT/IB/308 dated December 23, 1999 indicating that the International Bureau has designated the international application to the Patent Offices in EP, JP, and US; and
- 3) Return postcard.



U.S. APPLICATION NO. (IF KNOWN, ENTER)		INTERNATIONAL APPLICATION NO. PCT/DK99/00313	ATTORNEY'S DOCKET NUMBER 12012/121412
21. The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)): <input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1,000.00 <input checked="" type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$860.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$710.00 <input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$690.00 <input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00 ENTER APPROPRIATE BASIC FEE AMOUNT =			CALCULATIONS PTO USE ONLY
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492 (e)). <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30			\$860.00 \$130.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	42 - 20 =	22	x \$18.00
Independent claims	2 - 3 =	0	x \$80.00
Multiple Dependent Claims (check if applicable). <input type="checkbox"/>			\$0.00
TOTAL OF ABOVE CALCULATIONS =			\$1,386.00
Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28) (check if applicable). <input type="checkbox"/>			\$0.00
SUBTOTAL =			\$1,386.00
Processing fee of \$130.00 for furnishing the English translation later than months from the earliest claimed priority date (37 CFR 1.492 (f)). <input type="checkbox"/> 20 <input type="checkbox"/> 30			\$0.00
TOTAL NATIONAL FEE =			\$1,386.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). <input type="checkbox"/>			\$0.00
TOTAL FEES ENCLOSED =			\$1,386.00
			Amount to be: refunded \$
			charged \$
<input checked="" type="checkbox"/> A check in the amount of \$1,386.00 to cover the above fees is enclosed.			
<input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed.			
<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 02-4467 A duplicate copy of this sheet is enclosed.			
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.			
SEND ALL CORRESPONDENCE TO:			
<div>Maurice B. Stiefel, Esq. BRYAN CAVE LLP 245 Park Avenue New York, NY 10167 Tel. No. (212) 692-1838 Fax No. (212) 692-1900</div> <div> SIGNATURE Leo G. Lenna NAME 42,796 REGISTRATION NUMBER December 12, 2000 DATE</div>			

BRYAN CAVE LLP

245 Park Avenue
New York, NY 10167-0034
(212) 692-1800

December 12, 2000

One Thousand Three Hundred Eighty Six & 0/100

TO THE
ORDER OF

Commissioner of Patents and
Trademarks

Express Mail Label No. EL715972307US
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Internat'l Appln. PCT/DK99/00313

⑈0000026145⑈ ⑆02100001816302197634⑈

The Bank of New York
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1-1/210

Check Number
26145

Net Amount
\$ **\$1,386.00**

Anthony Scuderi
SIGNATURE HAS A COLORED BACKGROUND • BORDER CONTAINS MICROPRINTING

Inv. Date	BC Ref#	Invoice #	Description	Check NO.	Amount Paid
12/12/00	561778	LGL 121412	oiling fee for National phase application	26145	1,386.00

BRYAN CAVE LLP 245 Park Avenue

New York, NY 10167-0034

(212) 692-1800

CHECK TOTAL 1,386.00



PGT/PTO 04 APR 2001